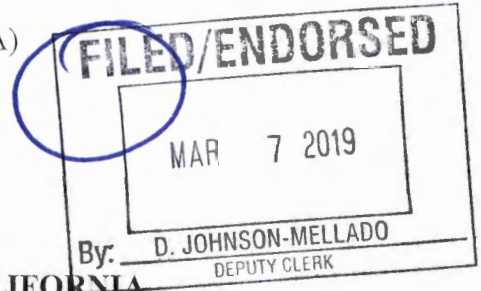


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SPD-06-362363  
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TEAM: (SACA)  
XRef: 5224107



**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SACRAMENTO**

THE PEOPLE OF THE STATE OF CALIFORNIA,  
vs.

No. 18FE018342  
AMENDED FELONY  
COMPLAINT

JMS  
3/5

ROY CHARLES WALLER,

Defendant.

The People of the State of California upon oath of the undersigned, upon information and belief complain against the defendant above named for the crime(s) as follows:

**COUNT ONE**

On or about June 23, 1991, at and in the County of Sonoma, State of California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the Penal Code of the State of California, in that said defendant did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, N. DOE, not his spouse, against said person's will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on said person.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)."

"NOTICE: Conviction of this offense will require the court to order you to submit to a blood test for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency Syndrome (AIDS). Penal Code Section 1202.1."



"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 290. Willful failure to register is a crime."

It is further alleged that in the commission of the above offense the defendant, ROY CHARLES WALLER, used a deadly weapon, within the meaning of Penal Code Section 12022.3(a) and also causing the above offense to be a serious felony within the meaning of Penal Code Section 1192.7(c)(23).

It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the present case or cases of committing an offense specified in subdivision (c) against more than one victim, within the meaning of Penal Code Section 667.61(c)(5).

#### COUNT TWO

For a further and separate cause of action, being a different offense of the same class of crimes and offenses as the charges set forth in Count One hereof: On or about June 23, 1991, at and in the County of Sonoma, State of California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the Penal Code of the State of California, in that said defendant did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, N. DOE, not his spouse, against said person's will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on said person.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)."

"NOTICE: Conviction of this offense will require the court to order you to submit to a blood test for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency Syndrome (AIDS). Penal Code Section 1202.1."

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 290. Willful failure to register is a crime."

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4 It is further alleged that in the commission of the above offense the defendant, ROY CHARLES  
5 WALLER, used a deadly weapon, within the meaning of Penal Code Section 12022.3(a) and  
6 also causing the above offense to be a serious felony within the meaning of Penal Code Section  
7 1192.7(c)(23).  
8

9 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
10 present case or cases of committing an offense specified in subdivision (c) against more than one  
11 victim, within the meaning of Penal Code Section 667.61(c)(5).  
12

### 13 14 COUNT THREE

15 For a further and separate cause of action, being a different offense of the same class of crimes  
16 and offenses as the charges set forth in Counts One and Two hereof: On or about June 23, 1991,  
17 at and in the County of Sonoma, State of California, the defendant, ROY CHARLES WALLER,  
18 did commit a felony, namely: a violation of Section 261(a)(2) of the Penal Code of the State of  
19 California, in that said defendant did unlawfully have and accomplish an act of sexual  
20 intercourse with a person, to wit, N. DOE, not his spouse, against said person's will, by means of  
21 force, violence, duress, menace and fear of immediate and unlawful bodily injury on said person.  
22

23  
24 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
25 1192.7(c)."  
26

27 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
28 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
29 Syndrome (AIDS). Penal Code Section 1202.1."  
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32 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
33 290. Willful failure to register is a crime."  
34

35 It is further alleged that in the commission of the above offense the defendant, ROY CHARLES  
36 WALLER, used a deadly weapon, within the meaning of Penal Code Section 12022.3(a) and  
37 also causing the above offense to be a serious felony within the meaning of Penal Code Section  
38 1192.7(c)(23).  
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4 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
5 present case or cases of committing an offense specified in subdivision (c) against more than one  
6 victim, within the meaning of Penal Code Section 667.61(e)(5).  
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9 **COUNT FOUR**

10 For a further and separate cause of action, being a different offense of the same class of crimes  
11 and offenses as the charges set forth in Counts One through Three hereof: On or about June 23,  
12 1991, at and in the County of Sonoma, State of California, the defendant, ROY CHARLES  
13 WALLER, did commit a felony, namely: a violation of Section 209(b) of the Penal Code of the  
14 State of California, in that said defendant did unlawfully kidnap and carry away N. DOE, to  
15 commit Rape.  
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18 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
19 1192.7(c)."  
20

21 It is further alleged that in the commission and attempted commission of the above offense(s),  
22 the said defendant, ROY CHARLES WALLER, personally used a firearm, within the meaning  
23 of Penal Code Sections 1203.06(a)(1) and 12022.5(a) also causing the above offense to become a  
24 serious felony pursuant to Penal Code Section 1192.7(c)(8) and a violent felony within the  
25 meaning of Penal Code Section 667.5(c)(8).  
26

27 It is further alleged that jurisdiction for the crime(s) charged in Counts One through Four, in  
28 Sonoma County, is established pursuant to Penal Code Section 784.7 based on the following: 1.  
29 Defendant is charged with violations of Penal Code Sections 261(a)(2) and 209(b). 2. The  
30 defendant, ROY CHARLES WALLER, and victim(s), N. DOE, are the same for all offenses,  
31 and 3. The offense(s) alleged in Counts Thirty-Two through Forty-Five occurred within the  
32 County of Sacramento.  
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35 "NOTICE: Counts One through Four were filed pursuant to 1992 Penal Code."  
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4 The multiple victim circumstance in Penal Code section 667.61, also referred to as the "One  
5 Strike Law," provides for a life sentence and does *not* qualify as an enhancement. (*People v.*  
6 *Perez* (2010) 182 Cal.App.4th 231, 238.) Instead, the multiple victim circumstance in the "One  
7 Strike Law" is "an alternative sentencing scheme that applies to the offense based on other  
8 criminal conduct that the trier of fact has found to have occurred." and makes the unlimited time  
9 frame for prosecution in section 799 applicable to "One Strike" cases involving multiple victims.  
10 (*Id.* at p. 239.)  
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### 13 COUNT FIVE

14 For a further and separate cause of action, being a different offense of the same class of crimes  
15 and offenses as the charges set forth in Counts One through Four hereof: On or about February  
16 13, 1992, at and in the County of Solano, State of California, the defendant, ROY CHARLES  
17 WALLER, did commit a felony, namely: a violation of Section 209(b) of the Penal Code of the  
18 State of California, in that said defendant did unlawfully kidnap and carry away T. DOE, to  
19 commit Robbery.  
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22 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
23 1192.7(c)."  
24  
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26 It is further alleged that in the commission and attempted commission of the above offense(s),  
27 the defendant, ROY CHARLES WALLER, personally used a deadly and dangerous weapon(s),  
28 said use not being an element of the above offense, within the meaning of Penal Code Section  
29 12022(b) and causing the above offense to be a serious felony within the meaning of Penal Code  
30 Section 1192.7(c)(23).  
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4 **COUNT SIX**

5 For a further and separate cause of action, being a different offense of the same class of crimes  
6 and offenses as the charges set forth in Counts One through Five hereof: On or about February  
7 13, 1992, at and in the County of Solano, State of California, the defendant, ROY CHARLES  
8 WALLER, did commit a felony, namely: a violation of Section 289(a) of the Penal Code of the  
9 State of California, in that said defendant did unlawfully cause the penetration of the genital  
10 opening of T. DOE, for the purpose of sexual arousal, gratification, and abuse by a foreign  
11 object, substance, instrument and device, and by an unknown object, accomplished by force,  
12 violence, duress, menace and fear of immediate and unlawful bodily injury on the victim, to wit,  
13 finger in vagina (first time).  
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16 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
17 1192.7(c)."  
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20 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
21 290. Willful failure to register is a crime."  
22

23 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
24 present case or cases of committing an offense specified in subdivision (c) against more than one  
25 victim, within the meaning of Penal Code Section 667.61(c)(5).  
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27  
28 It is further alleged that in the commission and attempted commission of the above offense(s),  
29 the defendant, ROY CHARLES WALLER, personally used a deadly and dangerous weapon(s),  
30 said use not being an element of the above offense, within the meaning of Penal Code Section  
31 12022(b) and causing the above offense to be a serious felony within the meaning of Penal Code  
32 Section 1192.7(c)(23).  
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4 **COUNT SEVEN**

5 For a further and separate cause of action, being a different offense of the same class of crimes  
6 and offenses as the charges set forth in Counts One through Six hercof: On or about February 13,  
7 1992, at and in the County of Solano, State of California, the defendant, ROY CHARLES  
8 WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the Penal Code of  
9 the State of California, in that said defendant did unlawfully have and accomplish an act of  
10 sexual intercourse with a person, to wit, T. DOE, not his spouse, against said person's will, by  
11 means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on  
12 said person (first time).  
13

14  
15 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
16 1192.7(c)."  
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18  
19 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
20 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
21 Syndrome (AIDS). Penal Code Section 1202.1."  
22

23  
24 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
25 290. Willful failure to register is a crime."  
26

27 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
28 present case or cases of committing an offense specified in subdivision (c) against more than one  
29 victim, within the meaning of Penal Code Section 667.61(e)(5).  
30

31 It is further alleged that in the commission and attempted commission of the above offense(s),  
32 the defendant, ROY CHARLES WALLER, personally used a deadly and dangerous weapon(s),  
33 said use not being an element of the above offense, within the meaning of Penal Code Section  
34 12022(b) and causing the above offense to be a serious felony within the meaning of Penal Code  
35 Section 1192.7(c)(23).  
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4 **COUNT EIGHT**

5 For a further and separate cause of action, being a different offense of the same class of crimes  
6 and offenses as the charges set forth in Counts One through Seven hereof: On or about February  
7 13, 1992, at and in the County of Solano, State of California, the defendant, ROY CHARLES  
8 WALLER, did commit a felony, namely: a violation of Section 289(a) of the Penal Code of the  
9 State of California, in that said defendant did unlawfully cause the penetration of the genital  
10 opening of T. DOE, for the purpose of sexual arousal, gratification, and abuse by a foreign  
11 object, substance, instrument and device, and by an unknown object, accomplished by force,  
12 violence, duress, menace and fear of immediate and unlawful bodily injury on the victim, to wit,  
13 finger in vagina (second time).  
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16 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
17 1192.7(c)."  
18

19  
20 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
21 290. Willful failure to register is a crime."  
22

23 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
24 present case or cases of committing an offense specified in subdivision (c) against more than one  
25 victim, within the meaning of Penal Code Section 667.61(c)(5).  
26

27  
28 It is further alleged that in the commission and attempted commission of the above offense(s),  
29 the defendant, ROY CHARLES WALLER, personally used a deadly and dangerous weapon(s),  
30 said use not being an element of the above offense, within the meaning of Penal Code Section  
31 12022(b) and causing the above offense to be a serious felony within the meaning of Penal Code  
32 Section 1192.7(c)(23).  
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4 **COUNT NINE**

5 For a further and separate cause of action, being a different offense of the same class of crimes  
6 and offenses as the charges set forth in Counts One through Eight hereof: On or about February  
7 13, 1992, at and in the County of Solano, State of California, the defendant, ROY CHARLES  
8 WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the Penal Code of  
9 the State of California, in that said defendant did unlawfully have and accomplish an act of  
10 sexual intercourse with a person, to wit, T. DOE, not his spouse, against said person's will, by  
11 means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on  
12 said person (second time).  
13  
14

15 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
16 1192.7(c)."  
17

18  
19 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
20 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
21 Syndrome (AIDS). Penal Code Section 1202.1."  
22

23 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
24 290. Willful failure to register is a crime."  
25  
26

27 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
28 present case or cases of committing an offense specified in subdivision (c) against more than one  
29 victim, within the meaning of Penal Code Section 667.61(e)(5).  
30

31 It is further alleged that in the commission and attempted commission of the above offense(s),  
32 the defendant, ROY CHARLES WALLER, personally used a deadly and dangerous weapon(s),  
33 said use not being an element of the above offense, within the meaning of Penal Code Section  
34 12022(b) and causing the above offense to be a serious felony within the meaning of Penal Code  
35 Section 1192.7(c)(23).  
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4 **COUNT TEN**

5 For a further and separate cause of action, being a different offense of the same class of crimes  
6 and offenses as the charges set forth in Counts One through Nine hercof: On or about February  
7 13, 1992, at and in the County of Solano, State of California, the defendant, ROY CHARLES  
8 WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the Penal Code of  
9 the State of California, in that said defendant did unlawfully have and accomplish an act of  
10 sexual intercourse with a person, to wit, T. DOE, not his spouse, against said person's will, by  
11 means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on  
12 said person (third time).  
13

14  
15 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
16 1192.7(c)."  
17

18  
19 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
20 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
21 Syndrome (AIDS). Penal Code Section 1202.1."  
22

23 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
24 290. Willful failure to register is a crime."  
25

26  
27 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
28 present case or cases of committing an offense specified in subdivision (c) against more than one  
29 victim, within the meaning of Penal Code Section 667.61(c)(5).  
30

31 It is further alleged that in the commission and attempted commission of the above offense(s),  
32 the defendant, ROY CHARLES WALLER, personally used a deadly and dangerous weapon(s),  
33 said use not being an element of the above offense, within the meaning of Penal Code Section  
34 12022(b) and causing the above offense to be a serious felony within the meaning of Penal Code  
35 Section 1192.7(c)(23).  
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4 It is further alleged that jurisdiction for the crime(s) charged in Counts Five through Ten, in  
5 Solano County, is established pursuant to Penal Code Section 784.7 based on the following: 1.  
6 Defendant is charged with violations of Penal Code Section 209(b), 289(a) and 261(a)(2). 2. The  
7 defendant, ROY CHARLES WALLER, and victim(s), T. DOE, are the same for all offenses, and  
8 3. The offense(s) alleged in Counts Thirty-Two through Forty-Five occurred within the County  
9 of Sacramento.  
10

11  
12 "NOTICE: Counts Five through Ten were filed pursuant to 1992 Penal Code."  
13

14 The multiple victim circumstance in Penal Code section 667.61, also referred to as the "One  
15 Strike Law," provides for a life sentence and does *not* qualify as an enhancement. (*People v.*  
16 *Perez* (2010) 182 Cal.App.4th 231, 238.) Instead, the multiple victim circumstance in the "One  
17 Strike Law" is "an alternative sentencing scheme that applies to the offense based on other  
18 criminal conduct that the trier of fact has found to have occurred." and makes the unlimited time  
19 frame for prosecution in section 799 applicable to "One Strike" cases involving multiple victims.  
20 (*Id.* at p. 239.)  
21

## 22 23 COUNT ELEVEN

24 For a further and separate cause of action, being a different offense of the same class of crimes  
25 and offenses as the charges set forth in Counts One through Ten hereof: On or about and  
26 between October 31, 1996, and November 1, 1996, at and in the County of Contra Costa, State of  
27 California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation  
28 of Section 209(b) of the Penal Code of the State of California, in that said defendant did  
29 unlawfully kidnap and carry away S. DOE, to commit Robbery.  
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32 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
33 1192.7(c)."  
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4 It is further alleged that in the commission and attempted commission of the above offense(s),  
5 the said defendant, ROY CHARLES WALLER, personally used a firearm, within the meaning  
6 of Penal Code Sections 1203.06(a)(1) and 12022.5(a) also causing the above offense to become a  
7 serious felony pursuant to Penal Code Section 1192.7(c)(8) and a violent felony within the  
8 meaning of Penal Code Section 667.5(c)(8).  
9

10 **COUNT TWELVE**

11 For a further and separate cause of action, being a different offense of the same class of crimes  
12 and offenses as the charges set forth in Counts One through Eleven hereof: On or about and  
13 between October 31, 1996, and November 1, 1996, at and in the County of Contra Costa, State of  
14 California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation  
15 of Section 289(a) of the Penal Code of the State of California, in that said defendant did  
16 unlawfully cause the penetration of the genital opening of S. DOE, for the purpose of sexual  
17 arousal, gratification, and abuse by a foreign object, substance, instrument and device, and by an  
18 unknown object, accomplished by force, violence, duress, menace and fear of immediate and  
19 unlawful bodily injury on the victim, to wit, finger in vagina with lubrication.  
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22  
23 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
24 1192.7(c)."  
25

26 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
27 290. Willful failure to register is a crime."  
28

29  
30 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
31 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
32 Section 667.61(d)(2).  
33

34 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
35 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
36 within the meaning of Penal Code Section 667.61(d)(4).  
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39 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
40 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
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4 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
5 offense during the commission of a burglary, within the meaning of Penal Code Section  
6 667.61(e)(2).  
7

8 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
9 or deadly weapon or a firearm, in the commission of the present offense in violation of Section  
10 12022, 12022.3, 12022.5 or 12022.53, within the meaning of Penal Code Section 667.61(e)(4).  
11

12 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
13 present case or cases of committing an offense specified in subdivision (c) against more than one  
14 victim, within the meaning of Penal Code Section 667.61(e)(5).  
15

16 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
17 binding of the victim or another person in the commission of the present offense, within the  
18 meaning of Penal Code Section 667.61(e)(6).  
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21 It is further alleged that in the commission of the above offense the defendant, ROY CHARLES  
22 WALLER, used a deadly weapon, within the meaning of Penal Code Section 12022.3(a) and  
23 also causing the above offense to be a serious felony within the meaning of Penal Code Section  
24 1192.7(c)(23).  
25

### 26 27 **COUNT THIRTEEN**

28 For a further and separate cause of action, being a different offense of the same class of crimes  
29 and offenses as the charges set forth in Counts One through Twelve hereof: On or about and  
30 between October 31, 1996, and November 1, 1996, at and in the County of Contra Costa, State of  
31 California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation  
32 of Section 261(a)(2) of the Penal Code of the State of California, in that said defendant did  
33 unlawfully have and accomplish an act of sexual intercourse with a person, to wit, S. DOE, not  
34 his spouse, against said person's will, by means of force, violence, duress, menace and fear of  
35 immediate and unlawful bodily injury on said person (first time upstairs).  
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38 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
39 1192.7(c)."  
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4 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
5 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
6 Syndrome (AIDS). Penal Code Section 1202.1."  
7

8  
9 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
10 290. Willful failure to register is a crime."  
11

12 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
13 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
14 Section 667.61(d)(2).  
15

16  
17 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
18 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
19 within the meaning of Penal Code Section 667.61(d)(4).  
20

21  
22 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
23 present offense, within the meaning of Penal Code Section 667.61(c)(1).  
24

25 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
26 offense during the commission of a burglary, within the meaning of Penal Code Section  
27 667.61(c)(2).  
28

29 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
30 or deadly weapon or a firearm, in the commission of the present offense in violation of Section  
31 12022, 12022.3, 12022.5 or 12022.53, within the meaning of Penal Code Section 667.61(e)(4).  
32

33  
34 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
35 present case or cases of committing an offense specified in subdivision (c) against more than one  
36 victim, within the meaning of Penal Code Section 667.61(e)(5).  
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4 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
5 binding of the victim or another person in the commission of the present offense, within the  
6 meaning of Penal Code Section 667.61(e)(6).  
7

8  
9 It is further alleged that in the commission of the above offense the defendant, ROY CHARLES  
10 WALLER, used a deadly weapon, within the meaning of Penal Code Section 12022.3(a) and  
11 also causing the above offense to be a serious felony within the meaning of Penal Code Section  
12 1192.7(c)(23).  
13

14 **COUNT FOURTEEN**

15 For a further and separate cause of action, being a different offense of the same class of crimes  
16 and offenses as the charges set forth in Counts One through Thirteen hereof: On or about and  
17 between October 31, 1996, and November 1, 1996, at and in the County of Contra Costa, State of  
18 California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation  
19 of Section 261(a)(2) of the Penal Code of the State of California, in that said defendant did  
20 unlawfully have and accomplish an act of sexual intercourse with a person, to wit, S. DOE, not  
21 his spouse, against said person's will, by means of force, violence, duress, menace and fear of  
22 immediate and unlawful bodily injury on said person (second time upstairs).  
23

24  
25 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
26 1192.7(c)."  
27

28  
29 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
30 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
31 Syndrome (AIDS). Penal Code Section 1202.1."  
32

33 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
34 290. Willful failure to register is a crime."  
35

36  
37 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
38 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
39 Section 667.61(d)(2).  
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4 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
5 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
6 within the meaning of Penal Code Section 667.61(d)(4).  
7

8  
9 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
10 present offense, within the meaning of Penal Code Section 667.61(c)(1).  
11

12 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
13 offense during the commission of a burglary, within the meaning of Penal Code Section  
14 667.61(e)(2).  
15

16 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
17 or deadly weapon or a firearm, in the commission of the present offense in violation of Section  
18 12022, 12022.3, 12022.5 or 12022.53, within the meaning of Penal Code Section 667.61(e)(4).  
19

20 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
21 present case or cases of committing an offense specified in subdivision (c) against more than one  
22 victim, within the meaning of Penal Code Section 667.61(e)(5).  
23

24  
25 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
26 binding of the victim or another person in the commission of the present offense, within the  
27 meaning of Penal Code Section 667.61(e)(6).  
28

29 It is further alleged that in the commission of the above offense the defendant, ROY CHARLES  
30 WALLER, used a deadly weapon, within the meaning of Penal Code Section 12022.3(a) and  
31 also causing the above offense to be a serious felony within the meaning of Penal Code Section  
32 1192.7(c)(23).  
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4 **COUNT FIFTEEN**

5 For a further and separate cause of action, being a different offense of the same class of crimes  
6 and offenses as the charges set forth in Counts One through Fourteen hereof: On or about and  
7 between October 31, 1996, and November 1, 1996, at and in the County of Contra Costa, State of  
8 California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation  
9 of Section 261(a)(2) of the Penal Code of the State of California, in that said defendant did  
10 unlawfully have and accomplish an act of sexual intercourse with a person, to wit, S. DOE, not  
11 his spouse, against said person's will, by means of force, violence, duress, menace and fear of  
12 immediate and unlawful bodily injury on said person (third time upstairs).  
13  
14

15 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
16 1192.7(c)."  
17

18  
19 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
20 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
21 Syndrome (AIDS). Penal Code Section 1202.1."  
22

23 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
24 290. Willful failure to register is a crime."  
25

26  
27 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
28 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
29 Section 667.61(d)(2).  
30

31 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
32 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
33 within the meaning of Penal Code Section 667.61(d)(4).  
34

35  
36 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
37 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
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4 It is further alleged that the defendant. ROY CHARLES WALLER, committed the present  
5 offense during the commission of a burglary, within the meaning of Penal Code Section  
6 667.61(e)(2).  
7

8 It is further alleged that the defendant. ROY CHARLES WALLER, personally used a dangerous  
9 or deadly weapon or a firearm, in the commission of the present offense in violation of Section  
10 12022, 12022.3, 12022.5 or 12022.53, within the meaning of Penal Code Section 667.61(c)(4).  
11

12 It is further alleged that the defendant. ROY CHARLES WALLER, has been convicted in the  
13 present case or cases of committing an offense specified in subdivision (c) against more than one  
14 victim, within the meaning of Penal Code Section 667.61(e)(5).  
15

16  
17 It is further alleged that the defendant. ROY CHARLES WALLER, engaged in the tying or  
18 binding of the victim or another person in the commission of the present offense, within the  
19 meaning of Penal Code Section 667.61(e)(6).  
20

21  
22 It is further alleged that in the commission of the above offense the defendant. ROY CHARLES  
23 WALLER, used a deadly weapon, within the meaning of Penal Code Section 12022.3(a) and  
24 also causing the above offense to be a serious felony within the meaning of Penal Code Section  
25 1192.7(c)(23).  
26

### 27 **COUNT SIXTEEN**

28 For a further and separate cause of action, being a different offense of the same class of crimes  
29 and offenses as the charges set forth in Counts One through Fifteen hereof: On or about and  
30 between October 31, 1996, and November 1, 1996, at and in the County of Contra Costa, State of  
31 California, the defendant. ROY CHARLES WALLER, did commit a felony, namely: a violation  
32 of Section 289(a) of the Penal Code of the State of California, in that said defendant did  
33 unlawfully cause the penetration of the genital opening of S. DOE, for the purpose of sexual  
34 arousal, gratification, and abuse by a foreign object, substance, instrument and device, and by an  
35 unknown object, accomplished by force, violence, duress, menace and fear of immediate and  
36 unlawful bodily injury on the victim, to wit, finger in vagina multiple times during third rape.  
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4 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
5 1192.7(c)."  
6

7  
8 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
9 290. Willful failure to register is a crime."  
10

11 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
12 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
13 Section 667.61(d)(2).  
14

15 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
16 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
17 within the meaning of Penal Code Section 667.61(d)(4).  
18

19  
20 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
21 present offense, within the meaning of Penal Code Section 667.61(c)(1).  
22

23 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
24 offense during the commission of a burglary, within the meaning of Penal Code Section  
25 667.61(e)(2).  
26

27 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
28 or deadly weapon or a firearm, in the commission of the present offense in violation of Section  
29 12022, 12022.3, 12022.5 or 12022.53, within the meaning of Penal Code Section 667.61(c)(4).  
30

31  
32 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
33 present case or cases of committing an offense specified in subdivision (c) against more than one  
34 victim, within the meaning of Penal Code Section 667.61(e)(5).  
35

36 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
37 binding of the victim or another person in the commission of the present offense, within the  
38 meaning of Penal Code Section 667.61(e)(6).  
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4 It is further alleged that in the commission of the above offense the defendant, ROY CHARLES  
5 WALLER, used a deadly weapon, within the meaning of Penal Code Section 12022.3(a) and  
6 also causing the above offense to be a serious felony within the meaning of Penal Code Section  
7 1192.7(c)(23).  
8

9  
10 **COUNT SEVENTEEN**

11 For a further and separate cause of action, being a different offense of the same class of crimes  
12 and offenses as the charges set forth in Counts One through Sixteen hereof: On or about and  
13 between October 31, 1996, and November 1, 1996, at and in the County of Contra Costa, State of  
14 California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation  
15 of Section 261(a)(2) of the Penal Code of the State of California, in that said defendant did  
16 unlawfully have and accomplish an act of sexual intercourse with a person, to wit, S. DOE, not  
17 his spouse, against said person's will, by means of force, violence, duress, menace and fear of  
18 immediate and unlawful bodily injury on said person (fourth time upstairs).  
19

20 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
21 1192.7(c)."  
22

23  
24 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
25 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
26 Syndrome (AIDS). Penal Code Section 1202.1."  
27

28 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
29 290. Willful failure to register is a crime."  
30

31  
32 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
33 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
34 Section 667.61(d)(2).  
35

36 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
37 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
38 within the meaning of Penal Code Section 667.61(d)(4).  
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4 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
5 present offense, within the meaning of Penal Code Section 667.61(c)(1).  
6

7 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
8 offense during the commission of a burglary, within the meaning of Penal Code Section  
9 667.61(c)(2).  
10

11 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
12 or deadly weapon or a firearm, in the commission of the present offense in violation of Section  
13 12022, 12022.3, 12022.5 or 12022.53, within the meaning of Penal Code Section 667.61(c)(4).  
14

15 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
16 present case or cases of committing an offense specified in subdivision (c) against more than one  
17 victim, within the meaning of Penal Code Section 667.61(c)(5).  
18

19  
20 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
21 binding of the victim or another person in the commission of the present offense, within the  
22 meaning of Penal Code Section 667.61(c)(6).  
23

24  
25 It is further alleged that in the commission of the above offense the defendant, ROY CHARLES  
26 WALLER, used a deadly weapon, within the meaning of Penal Code Section 12022.3(a) and  
27 also causing the above offense to be a serious felony within the meaning of Penal Code Section  
28 1192.7(c)(23).  
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**COUNT EIGHTEEN**

For a further and separate cause of action, being a different offense of the same class of crimes and offenses as the charges set forth in Counts One through Seventeen hereof: On or about and between October 31, 1996, and November 1, 1996, at and in the County of Contra Costa, State of California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 289(a) of the Penal Code of the State of California, in that said defendant did unlawfully cause the penetration of the anal opening of S. DOE, for the purpose of sexual arousal, gratification, and abuse by a foreign object, substance, instrument and device, and by an unknown object, accomplished by force, violence, duress, menace and fear of immediate and unlawful bodily injury on the victim, to wit, finger in rectum.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)."

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 290. Willful failure to register is a crime."

It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the present offense substantially increasing the risk of harm, within the meaning of Penal Code Section 667.61(d)(2).

It is further alleged that the defendant, ROY CHARLES WALLER, committed the present offense during the commission of a burglary with intent to commit an offense listed in 667.61(c), within the meaning of Penal Code Section 667.61(d)(4).

It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the present offense, within the meaning of Penal Code Section 667.61(c)(1).

It is further alleged that the defendant, ROY CHARLES WALLER, committed the present offense during the commission of a burglary, within the meaning of Penal Code Section 667.61(c)(2).



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4 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
5 or deadly weapon or a firearm, in the commission of the present offense in violation of Section  
6 12022, 12022.3, 12022.5 or 12022.53, within the meaning of Penal Code Section 667.61(e)(4).  
7

8  
9 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
10 present case or cases of committing an offense specified in subdivision (c) against more than one  
11 victim, within the meaning of Penal Code Section 667.61(e)(5).  
12

13 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
14 binding of the victim or another person in the commission of the present offense, within the  
15 meaning of Penal Code Section 667.61(e)(6).  
16

17  
18 It is further alleged that in the commission of the above offense the defendant, ROY CHARLES  
19 WALLER, used a deadly weapon, within the meaning of Penal Code Section 12022.3(a) and  
20 also causing the above offense to be a serious felony within the meaning of Penal Code Section  
21 1192.7(c)(23).  
22

### 23 COUNT NINETEEN

24 For a further and separate cause of action, being a different offense of the same class of crimes  
25 and offenses as the charges set forth in Counts One through Eighteen hereof: On or about and  
26 between October 31, 1996, and November 1, 1996, at and in the County of Contra Costa, State of  
27 California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation  
28 of Section 288a(c) of the Penal Code of the State of California, in that said defendant did  
29 unlawfully participate in an act of oral copulation with S. DOE, and did accomplish said act  
30 against said victim's will by force, violence, duress, menace, and fear of immediate and unlawful  
31 bodily injury to said victim.  
32

33  
34 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
35 1192.7(c).  
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4 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
5 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
6 Syndrome (AIDS). Penal Code Section 1202.1."  
7

8  
9 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
10 290. Willful failure to register is a crime."  
11

12 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
13 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
14 Section 667.61(d)(2).  
15

16  
17 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
18 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
19 within the meaning of Penal Code Section 667.61(d)(4).  
20

21 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
22 present offense, within the meaning of Penal Code Section 667.61(c)(1).  
23

24 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
25 offense during the commission of a burglary, within the meaning of Penal Code Section  
26 667.61(c)(2).  
27

28 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
29 or deadly weapon or a firearm, in the commission of the present offense in violation of Section  
30 12022, 12022.3, 12022.5 or 12022.53, within the meaning of Penal Code Section 667.61(e)(4).  
31

32  
33 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
34 present case or cases of committing an offense specified in subdivision (c) against more than one  
35 victim, within the meaning of Penal Code Section 667.61(e)(5).  
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4 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
5 binding of the victim or another person in the commission of the present offense, within the  
6 meaning of Penal Code Section 667.61(c)(6).  
7

8  
9 It is further alleged that in the commission of the above offense the defendant, ROY CHARLES  
10 WALLER, used a deadly weapon, within the meaning of Penal Code Section 12022.3(a) and  
11 also causing the above offense to be a serious felony within the meaning of Penal Code Section  
12 1192.7(c)(23).  
13

14 It is further alleged that jurisdiction for the crime(s) charged in Counts Eleven through Nineteen,  
15 in Contra Costa County, is established pursuant to Penal Code Section 784.7 based on the  
16 following: 1. Defendant is charged with violations of Penal Code Section 209(b), 289(a),  
17 261(a)(2) and 288a(c). 2. The defendant, ROY CHARLES WALLER, and victim(s), S. DOE, are  
18 the same for all offenses, and 3. The offense(s) alleged in Counts Thirty-Two through Forty-Five  
19 occurred within the County of Sacramento.  
20

21  
22 "NOTICE: Counts Eleven through Nineteen were filed pursuant to 1996 Penal Code."  
23

## 24 COUNT TWENTY

25 For a further and separate cause of action, being a different offense of the same class of crimes  
26 and offenses as the charges set forth in Counts One through Nineteen hereof: On or about and  
27 between January 24, 1997, and January 25, 1997, at and in the County of Yolo, State of  
28 California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation  
29 of Section 261(a)(2) of the Penal Code of the State of California, in that said defendant did  
30 unlawfully have and accomplish an act of sexual intercourse with a person, to wit, T. DOE, not  
31 his spouse, against said person's will, by means of force, violence, duress, menace and fear of  
32 immediate and unlawful bodily injury on said person.  
33  
34

35  
36 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
37 1192.7(c)."  
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4 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
5 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
6 Syndrome (AIDS). Penal Code Section 1202.1."  
7

8  
9 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
10 290. Willful failure to register is a crime."  
11

12 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
13 present offense, within the meaning of Penal Code Section 667.61(d)(2).  
14

15 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
16 offense during the commission of a burglary, within the meaning of Penal Code Section  
17 667.61(d)(4).  
18

19 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
20 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
21

22 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
23 offense during the commission of a burglary, within the meaning of Penal Code Section  
24 667.61(e)(2).  
25

26 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
27 present case or cases of committing an offense specified in subdivision (c) against more than one  
28 victim, within the meaning of Penal Code Section 667.61(e)(5).  
29

30 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
31 binding of the victim or another person in the commission of the present offense, within the  
32 meaning of Penal Code Section 667.61(e)(6).  
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**COUNT TWENTY-ONE**

For a further and separate cause of action, being a different offense of the same class of crimes and offenses as the charges set forth in Counts One through Twenty hereof: On or about and between January 24, 1997, and January 25, 1997, at and in the County of Yolo, State of California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the Penal Code of the State of California, in that said defendant did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, T. DOE, not his spouse, against said person's will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on said person.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)."

"NOTICE: Conviction of this offense will require the court to order you to submit to a blood test for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency Syndrome (AIDS). Penal Code Section 1202.1."

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 290. Willful failure to register is a crime."

It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the present offense, within the meaning of Penal Code Section 667.61(d)(2).

It is further alleged that the defendant, ROY CHARLES WALLER, committed the present offense during the commission of a burglary, within the meaning of Penal Code Section 667.61(d)(4).

It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the present offense, within the meaning of Penal Code Section 667.61(e)(1).

It is further alleged that the defendant, ROY CHARLES WALLER, committed the present offense during the commission of a burglary, within the meaning of Penal Code Section 667.61(e)(2).

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4 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
5 present case or cases of committing an offense specified in subdivision (c) against more than one  
6 victim, within the meaning of Penal Code Section 667.61(e)(5).  
7

8  
9 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
10 binding of the victim or another person in the commission of the present offense, within the  
11 meaning of Penal Code Section 667.61(c)(6).  
12

### 13 **COUNT TWENTY-TWO**

14 For a further and separate cause of action, being a different offense of the same class of crimes  
15 and offenses as the charges set forth in Counts One through Twenty-One hereof: On or about and  
16 between January 24, 1997, and January 25, 1997, at and in the County of Yolo, State of  
17 California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation  
18 of Section 289(a) of the Penal Code of the State of California, in that said defendant did  
19 unlawfully cause the penetration of the genital opening of T. DOE, for the purpose of sexual  
20 arousal, gratification, and abuse by a foreign object, substance, instrument and device, and by an  
21 unknown object, accomplished by force, violence, duress, menace and fear of immediate and  
22 unlawful bodily injury on the victim.  
23  
24

25  
26 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
27 1192.7(c)."  
28

29 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
30 290. Willful failure to register is a crime."  
31

32  
33 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
34 present offense, within the meaning of Penal Code Section 667.61(d)(2).  
35

36 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
37 offense during the commission of a burglary, within the meaning of Penal Code Section  
38 667.61(d)(4).  
39  
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4 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
5 present offense, within the meaning of Penal Code Section 667.61(c)(1).  
6

7 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
8 offense during the commission of a burglary, within the meaning of Penal Code Section  
9 667.61(c)(2).  
10

11 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
12 present case or cases of committing an offense specified in subdivision (c) against more than one  
13 victim, within the meaning of Penal Code Section 667.61(c)(5).  
14

15 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
16 binding of the victim or another person in the commission of the present offense, within the  
17 meaning of Penal Code Section 667.61(c)(6).  
18  
19

20 **COUNT TWENTY-THREE**

21 For a further and separate cause of action, being a different offense of the same class of crimes  
22 and offenses as the charges set forth in Counts One through Twenty-Two hereof: On or about  
23 and between January 24, 1997, and January 25, 1997, at and in the County of Yolo, State of  
24 California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation  
25 of Section 209(b) of the Penal Code of the State of California, in that said defendant did  
26 unlawfully kidnap and carry away T. DOE, to commit Robbery.  
27  
28

29 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
30 1192.7(c)."  
31

32 **COUNT TWENTY-FOUR**

33 For a further and separate cause of action, being a different offense of the same class of crimes  
34 and offenses as the charges set forth in Counts One through Twenty-Three hereof: On or about  
35 and between January 24, 1997, and January 25, 1997, at and in the County of Yolo, State of  
36 California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation  
37 of Section 209(b) of the Penal Code of the State of California, in that said defendant did  
38 unlawfully kidnap and carry away K. DOE, to commit Robbery.  
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4 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
5 1192.7(c)."  
6

7  
8 It is further alleged that jurisdiction for the crime(s) charged in Counts Twenty through Twenty-  
9 Four, in Yolo County, is established pursuant to Penal Code Section 784.7 based on the  
10 following: 1. Defendant is charged with violations of Penal Code Sections 261(a)(2), 289(a) and  
11 209(b). 2. The defendant, ROY CHARLES WALLER, and victim(s), T. DOE, are the same for  
12 Counts Twenty through Twenty-Three. 3. Count Twenty-Four is properly joinable with Counts  
13 Twenty through Twenty-Three, and 4. The offense(s) alleged in Counts Thirty-Two through  
14 Forty-Five occurred within the County of Sacramento.  
15

16  
17 "NOTICE: Counts Twenty through Twenty-Four were filed pursuant to 1997 Penal Code."  
18

19 **COUNT TWENTY-FIVE**

20 For a further and separate cause of action, being a different offense of the same class of crimes  
21 and offenses as the charges set forth in Counts One through Twenty-Four hereof: On or about  
22 July 18, 1997, at and in the County of Butte, State of California, the defendant, ROY CHARLES  
23 WALLER, did commit a felony, namely: a violation of Section 209(a) of the Penal Code of the  
24 State of California, in that said defendant did unlawfully seize, confine, inveigle, entice, decoy,  
25 abduct, conceal, kidnap, and carry away R. DOE with the intent to hold and detain, and who did  
26 hold and detain, the said R. DOE for ransom, reward, extortion, and to exact from relatives and  
27 friends of said R. DOE money and other valuable things.  
28

29  
30 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
31 1192.7(c)."  
32

33  
34 It is further alleged that in the commission and attempted commission of the above offense(s),  
35 the defendant, ROY CHARLES WALLER, personally used a deadly and dangerous weapon(s),  
36 said use not being an element of the above offense, within the meaning of Penal Code Section  
37 12022(b)(1) and causing the above offense to be a serious felony within the meaning of Penal  
38 Code Section 1192.7(c)(23).  
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4 It is further alleged that jurisdiction for the crime(s) charged in Count Twenty-Five, in Butte  
5 County, is established pursuant to Penal Code Section 784.7 based on the following: 1.  
6 Defendant is charged with violations of Penal Code Section 209(a). 2. The defendant, ROY  
7 CHARLES WALLER, and victim(s), R. DOE, are the same for all offenses, and 3. The  
8 offense(s) alleged in Counts Thirty-Two through Forty-Five occurred within the County of  
9 Sacramento.  
10

11  
12 "NOTICE: Count Twenty-Five was filed pursuant to 1997 Penal Code."  
13

14  
15 **COUNT TWENTY-SIX**

16 For a further and separate cause of action, being a different offense of the same class of crimes  
17 and offenses as the charges set forth in Counts One through Twenty-Five hereof: On or about  
18 July 16, 2000, at and in the County of Yolo, State of California, the defendant, ROY CHARLES  
19 WALLER, did commit a felony, namely: a violation of Section 209(b)(1) of the Penal Code of  
20 the State of California, in that said defendant did unlawfully kidnap and carry away C. DOE, to  
21 commit Robbery.  
22

23  
24 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
25 1192.7(c)."  
26

27  
28 **COUNT TWENTY-SEVEN**

29 For a further and separate cause of action, being a different offense of the same class of crimes  
30 and offenses as the charges set forth in Counts One through Twenty-Six hereof: On or about July  
31 16, 2000, at and in the County of Yolo, State of California, the defendant, ROY CHARLES  
32 WALLER, did commit a felony, namely: a violation of Section 289(a)(1) of the Penal Code of  
33 the State of California, in that said defendant did unlawfully cause the penetration of the genital  
34 opening of C. DOE, for the purpose of sexual arousal, gratification, and abuse by a foreign  
35 object, substance, instrument and device, and by an unknown object, accomplished by force,  
36 violence, duress, menace and fear of immediate and unlawful bodily injury on the victim.  
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38  
39 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
40 1192.7(c)."  
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4 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
5 290. Willful failure to register is a crime."  
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7  
8 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
9 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
10 Section 667.61(d)(2).  
11

12 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
13 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
14 within the meaning of Penal Code Section 667.61(d)(4).  
15

16  
17 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
18 present offense, within the meaning of Penal Code Section 667.61(c)(1).  
19

20 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
21 offense during the commission of a burglary, within the meaning of Penal Code Section  
22 667.61(e)(2).  
23

24 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
25 present case or cases of committing an offense specified in subdivision (c) against more than one  
26 victim, within the meaning of Penal Code Section 667.61(c)(5).  
27

28 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
29 binding of the victim or another person in the commission of the present offense, within the  
30 meaning of Penal Code Section 667.61(e)(6).  
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4 **COUNT TWENTY-EIGHT**

5 For a further and separate cause of action, being a different offense of the same class of crimes  
6 and offenses as the charges set forth in Counts One through Twenty-Seven hereof: On or about  
7 July 16, 2000, at and in the County of Yolo, State of California, the defendant, ROY CHARLES  
8 WALLER, did commit a felony, namely: a violation of Section 288a(c)(2) of the Penal Code of  
9 the State of California, in that said defendant did unlawfully participate in an act of oral  
10 copulation with C. DOE, and did accomplish said act against said victim's will by force,  
11 violence, duress, menace, and fear of immediate and unlawful bodily injury to said victim.  
12

13 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
14 1192.7(c).  
15

16 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
17 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
18 Syndrome (AIDS). Penal Code Section 1202.1."  
19

20 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
21 290. Willful failure to register is a crime."  
22

23 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
24 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
25 Section 667.61(d)(2).  
26

27  
28 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
29 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
30 within the meaning of Penal Code Section 667.61(d)(4).  
31

32 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
33 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
34

35 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
36 offense during the commission of a burglary, within the meaning of Penal Code Section  
37 667.61(e)(2).  
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4 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
5 present case or cases of committing an offense specified in subdivision (c) against more than one  
6 victim, within the meaning of Penal Code Section 667.61(e)(5).  
7

8  
9 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
10 binding of the victim or another person in the commission of the present offense, within the  
11 meaning of Penal Code Section 667.61(e)(6).  
12

13 **COUNT TWENTY-NINE**

14 For a further and separate cause of action, being a different offense of the same class of crimes  
15 and offenses as the charges set forth in Counts One through Twenty-Eight hereof: On or about  
16 July 16, 2000, at and in the County of Yolo, State of California, the defendant, ROY CHARLES  
17 WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the Penal Code of  
18 the State of California, in that said defendant did unlawfully have and accomplish an act of  
19 sexual intercourse with a person, to wit, C. DOE, not his spouse, against said person's will, by  
20 means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on  
21 said person.  
22

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24  
25 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
26 1192.7(c)."  
27

28 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
29 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
30 Syndrome (AIDS). Penal Code Section 1202.1."  
31

32  
33 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
34 290. Willful failure to register is a crime."  
35

36 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
37 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
38 Section 667.61(d)(2).  
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4 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
5 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
6 within the meaning of Penal Code Section 667.61(d)(4).  
7

8  
9 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
10 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
11

12 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
13 offense during the commission of a burglary, within the meaning of Penal Code Section  
14 667.61(c)(2).  
15

16 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
17 present case or cases of committing an offense specified in subdivision (c) against more than one  
18 victim, within the meaning of Penal Code Section 667.61(e)(5).  
19

20 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
21 binding of the victim or another person in the commission of the present offense, within the  
22 meaning of Penal Code Section 667.61(c)(6).  
23  
24

### 25 **COUNT THIRTY**

26 For a further and separate cause of action, being a different offense of the same class of crimes  
27 and offenses as the charges set forth in Counts One through Twenty-Nine hereof: On or about  
28 July 16, 2000, at and in the County of Yolo, State of California, the defendant, ROY CHARLES  
29 WALLER, did commit a felony, namely: a violation of Section 286(c)(2) of the Penal Code of  
30 the State of California, in that said defendant did unlawfully participate in an act of sodomy with  
31 C. DOE, and did accomplish said act against said victim's will by force, violence, duress, menace  
32 and fear of immediate and unlawful bodily injury to said victim.  
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35 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
36 1192.7(c)."  
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4 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
5 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
6 Syndrome (AIDS). Penal Code Section 1202.1."  
7

8  
9 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
10 290. Willful failure to register is a crime."  
11

12 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
13 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
14 Section 667.61(d)(2).  
15

16  
17 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
18 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
19 within the meaning of Penal Code Section 667.61(d)(4).  
20

21 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
22 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
23

24 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
25 offense during the commission of a burglary, within the meaning of Penal Code Section  
26 667.61(e)(2).  
27

28 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
29 present case or cases of committing an offense specified in subdivision (c) against more than one  
30 victim, within the meaning of Penal Code Section 667.61(e)(5).  
31

32  
33 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
34 binding of the victim or another person in the commission of the present offense, within the  
35 meaning of Penal Code Section 667.61(c)(6).  
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4 **COUNT THIRTY-ONE**

5 For a further and separate cause of action, being a different offense of the same class of crimes  
6 and offenses as the charges set forth in Counts One through Thirty hereof: On or about July 16,  
7 2000, at and in the County of Yolo, State of California, the defendant, ROY CHARLES  
8 WALLER, did commit a felony, namely: a violation of Section 289(a)(1) of the Penal Code of  
9 the State of California, in that said defendant did unlawfully cause the penetration of the genital  
10 opening of C. DOE, for the purpose of sexual arousal, gratification, and abuse by a foreign  
11 object, substance, instrument and device, and by an unknown object, accomplished by force,  
12 violence, duress, menace and fear of immediate and unlawful bodily injury on the victim, to wit,  
13 finger in vagina.  
14

15  
16 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
17 1192.7(c)."  
18

19  
20 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
21 290. Willful failure to register is a crime."  
22

23 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
24 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
25 Section 667.61(d)(2).  
26

27 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
28 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
29 within the meaning of Penal Code Section 667.61(d)(4).  
30

31  
32 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
33 present offense, within the meaning of Penal Code Section 667.61(c)(1).  
34

35 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
36 offense during the commission of a burglary, within the meaning of Penal Code Section  
37 667.61(c)(2).  
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4 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
5 present case or cases of committing an offense specified in subdivision (c) against more than one  
6 victim, within the meaning of Penal Code Section 667.61(e)(5).  
7

8  
9 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
10 binding of the victim or another person in the commission of the present offense, within the  
11 meaning of Penal Code Section 667.61(c)(6).  
12

13 It is further alleged that jurisdiction for the crime(s) charged in Counts Twenty-Six through  
14 Thirty-One, in Yolo County, is established pursuant to Penal Code Section 784.7 based on the  
15 following: 1. Defendant is charged with violations of Penal Code Section 209(b), 289(a),  
16 288a(b)(2), 261(a)(2) and 286(c)(2). 2. The defendant, ROY CHARLES WALLER, and  
17 victim(s), C. DOE, are the same for all offenses, and 3. The offense(s) alleged in Counts Thirty-  
18 Two through Forty-Five occurred within the County of Sacramento.  
19  
20

21 "NOTICE: Count Twenty-Six through Thirty-One were filed pursuant to 2000 Penal Code."  
22

### 23 **COUNT THIRTY-TWO**

24 For a further and separate cause of action, being a different offense of the same class of crimes  
25 and offenses as the charges set forth in Counts One through Thirty-One hereof: On or about  
26 October 14, 2006, at and in the County of Sacramento, State of California, the defendant, ROY  
27 CHARLES WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the  
28 Penal Code of the State of California, in that said defendant did unlawfully have and accomplish  
29 an act of sexual intercourse with a person, to wit, K. DOE, not his spouse, against said person's  
30 will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily  
31 injury on said person (first occasion).  
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35 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
36 1192.7(c)."  
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4 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
5 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
6 Syndrome (AIDS). Penal Code Section 1202.1."  
7

8  
9 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
10 290. Willful failure to register is a crime."  
11

12 It is further alleged that in the commission and attempted commission of the above offense, the  
13 defendant, ROY CHARLES WALLER, personally used a firearm, to wit, an unknown caliber  
14 handgun, within the meaning of Penal Code Section 12022.53(b).  
15

16 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
17 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
18 Section 667.61(d)(2).  
19

20  
21 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
22 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
23 within the meaning of Penal Code Section 667.61(d)(4).  
24

25 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
26 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
27

28 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
29 offense during the commission of a burglary, within the meaning of Penal Code Section  
30 667.61(e)(2).  
31

32 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
33 or deadly weapon or a firearm, to wit, an unknown caliber handgun, in the commission of the  
34 present offense in violation of Section 12022, 12022.3, 12022.5 or 12022.53, within the meaning  
35 of Penal Code Section 667.61(e)(4).  
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4 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
5 present case or cases of committing an offense specified in subdivision (c) against more than one  
6 victim, within the meaning of Penal Code Section 667.61(e)(5).  
7

8  
9 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
10 binding of the victim or another person in the commission of the present offense, within the  
11 meaning of Penal Code Section 667.61(c)(6).  
12

### 13 **COUNT THIRTY-THREE**

14 For a further and separate cause of action, being a different offense of the same class of crimes  
15 and offenses as the charges set forth in Counts One through Thirty-Two hereof: On or about  
16 October 14, 2006, at and in the County of Sacramento, State of California, the defendant, ROY  
17 CHARLES WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the  
18 Penal Code of the State of California, in that said defendant did unlawfully have and accomplish  
19 an act of sexual intercourse with a person, to wit, K. DOE, not his spouse, against said person's  
20 will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily  
21 injury on said person (second occasion).  
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24  
25 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
26 1192.7(c)."  
27

28 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
29 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
30 Syndrome (AIDS). Penal Code Section 1202.1."  
31

32  
33 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
34 290. Willful failure to register is a crime."  
35

36 It is further alleged that in the commission and attempted commission of the above offense, the  
37 defendant, ROY CHARLES WALLER, personally used a firearm, to wit, an unknown caliber  
38 handgun, within the meaning of Penal Code Section 12022.53(b).  
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4 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
5 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
6 Section 667.61(d)(2).  
7

8  
9 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
10 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c).  
11 within the meaning of Penal Code Section 667.61(d)(4).  
12

13 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
14 present offense, within the meaning of Penal Code Section 667.61(c)(1).  
15

16 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
17 offense during the commission of a burglary, within the meaning of Penal Code Section  
18 667.61(c)(2).  
19

20 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
21 or deadly weapon or a firearm, to wit, an unknown caliber handgun, in the commission of the  
22 present offense in violation of Section 12022, 12022.3, 12022.5 or 12022.53, within the meaning  
23 of Penal Code Section 667.61(e)(4).  
24

25  
26 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
27 present case or cases of committing an offense specified in subdivision (c) against more than one  
28 victim, within the meaning of Penal Code Section 667.61(e)(5).  
29

30  
31 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
32 binding of the victim or another person in the commission of the present offense, within the  
33 meaning of Penal Code Section 667.61(c)(6).  
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**COUNT THIRTY-FOUR**

For a further and separate cause of action, being a different offense of the same class of crimes and offenses as the charges set forth in Counts One through Thirty-Three hereof: On or about October 14, 2006, at and in the County of Sacramento, State of California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the Penal Code of the State of California, in that said defendant did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, K. DOE, not his spouse, against said person's will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on said person (third occasion).

"NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)."

"NOTICE: Conviction of this offense will require the court to order you to submit to a blood test for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency Syndrome (AIDS). Penal Code Section 1202.1."

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 290. Willful failure to register is a crime."

It is further alleged that in the commission and attempted commission of the above offense, the defendant, ROY CHARLES WALLER, personally used a firearm, to wit, an unknown caliber handgun, within the meaning of Penal Code Section 12022.53(b).

It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the present offense substantially increasing the risk of harm, within the meaning of Penal Code Section 667.61(d)(2).

It is further alleged that the defendant, ROY CHARLES WALLER, committed the present offense during the commission of a burglary with intent to commit an offense listed in 667.61(c), within the meaning of Penal Code Section 667.61(d)(4).

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4 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
5 present offense, within the meaning of Penal Code Section 667.61(c)(1).  
6

7 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
8 offense during the commission of a burglary, within the meaning of Penal Code Section  
9 667.61(c)(2).  
10

11 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
12 or deadly weapon or a firearm, to wit, an unknown caliber handgun, in the commission of the  
13 present offense in violation of Section 12022, 12022.3, 12022.5 or 12022.53, within the meaning  
14 of Penal Code Section 667.61(c)(4).  
15

16 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
17 present case or cases of committing an offense specified in subdivision (c) against more than one  
18 victim, within the meaning of Penal Code Section 667.61(c)(5).  
19  
20

21 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
22 binding of the victim or another person in the commission of the present offense, within the  
23 meaning of Penal Code Section 667.61(c)(6).  
24

25  
26 **COUNT THIRTY-FIVE**

27 For a further and separate cause of action, being a different offense of the same class of crimes  
28 and offenses as the charges set forth in Counts One through Thirty-Four hereof: On or about  
29 October 14, 2006, at and in the County of Sacramento, State of California, the defendant, ROY  
30 CHARLES WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the  
31 Penal Code of the State of California, in that said defendant did unlawfully have and accomplish  
32 an act of sexual intercourse with a person, to wit, K. DOE, not his spouse, against said person's  
33 will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily  
34 injury on said person (last occasion).  
35

36  
37 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
38 1192.7(c)."  
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4 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
5 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
6 Syndrome (AIDS). Penal Code Section 1202.1."  
7

8  
9 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
10 290. Willful failure to register is a crime."  
11

12 It is further alleged that in the commission and attempted commission of the above offense, the  
13 defendant, ROY CHARLES WALLER, personally used a firearm, to wit, an unknown caliber  
14 handgun, within the meaning of Penal Code Section 12022.53(b).  
15

16 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
17 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
18 Section 667.61(d)(2).  
19

20  
21 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
22 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
23 within the meaning of Penal Code Section 667.61(d)(4).  
24

25  
26 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
27 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
28

29 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
30 offense during the commission of a burglary, within the meaning of Penal Code Section  
31 667.61(e)(2).  
32

33 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
34 or deadly weapon or a firearm, to wit, an unknown caliber handgun, in the commission of the  
35 present offense in violation of Section 12022, 12022.3, 12022.5 or 12022.53, within the meaning  
36 of Penal Code Section 667.61(e)(4).  
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4 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
5 present case or cases of committing an offense specified in subdivision (c) against more than one  
6 victim, within the meaning of Penal Code Section 667.61(e)(5).  
7

8  
9 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
10 binding of the victim or another person in the commission of the present offense, within the  
11 meaning of Penal Code Section 667.61(c)(6).  
12

### 13 **COUNT THIRTY-SIX**

14 For a further and separate cause of action, being a different offense of the same class of crimes  
15 and offenses as the charges set forth in Counts One through Thirty-Five hereof: On or about  
16 October 14, 2006, at and in the County of Sacramento, State of California, the defendant, ROY  
17 CHARLES WALLER, did commit a felony, namely: a violation of Section 288a(c)(2) of the  
18 Penal Code of the State of California, in that said defendant did unlawfully participate in an act  
19 of oral copulation with K. DOE, and did accomplish said act against said victim's will by force,  
20 violence, duress, menace, and fear of immediate and unlawful bodily injury to said victim.  
21

22  
23 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
24 1192.7(c).  
25

26 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
27 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
28 Syndrome (AIDS). Penal Code Section 1202.1."  
29

30 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
31 290. Willful failure to register is a crime."  
32

33 It is further alleged that in the commission and attempted commission of the above offense, the  
34 defendant, ROY CHARLES WALLER, personally used a firearm, to wit, an unknown caliber  
35 handgun, within the meaning of Penal Code Section 12022.53(b).  
36

37 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
38 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
39 Section 667.61(d)(2).  
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4 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
5 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c).  
6 within the meaning of Penal Code Section 667.61(d)(4).  
7

8  
9 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
10 present offense, within the meaning of Penal Code Section 667.61(c)(1).  
11

12 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
13 offense during the commission of a burglary, within the meaning of Penal Code Section  
14 667.61(c)(2).  
15

16 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
17 or deadly weapon or a firearm, to wit, an unknown caliber handgun, in the commission of the  
18 present offense in violation of Section 12022, 12022.3, 12022.5 or 12022.53, within the meaning  
19 of Penal Code Section 667.61(e)(4).  
20

21 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
22 present case or cases of committing an offense specified in subdivision (c) against more than one  
23 victim, within the meaning of Penal Code Section 667.61(e)(5).  
24

25  
26 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
27 binding of the victim or another person in the commission of the present offense, within the  
28 meaning of Penal Code Section 667.61(c)(6).  
29

30  
31 **COUNT THIRTY-SEVEN**

32 For a further and separate cause of action, being a different offense of the same class of crimes  
33 and offenses as the charges set forth in Counts One through Thirty-Six hereof: On or about  
34 October 14, 2006, at and in the County of Sacramento, State of California, the defendant, ROY  
35 CHARLES WALLER, did commit a felony, namely: a violation of Section 289(a)(1) of the  
36 Penal Code of the State of California, in that said defendant did unlawfully cause the penetration  
37 of the genital opening of K. DOE, for the purpose of sexual arousal, gratification, and abuse by a  
38 foreign object, substance, instrument and device, and by an unknown object, accomplished by  
39 force, violence, duress, menace and fear of immediate and unlawful bodily injury on the victim.  
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4 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
5 1192.7(c)."  
6

7 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
8 290. Willful failure to register is a crime."  
9

10 It is further alleged that in the commission and attempted commission of the above offense, the  
11 defendant, ROY CHARLES WALLER, personally used a firearm, to wit, an unknown caliber  
12 handgun, within the meaning of Penal Code Section 12022.53(b).  
13

14 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
15 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
16 Section 667.61(d)(2).  
17

18 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
19 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
20 within the meaning of Penal Code Section 667.61(d)(4).  
21  
22

23 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
24 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
25

26 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
27 offense during the commission of a burglary, within the meaning of Penal Code Section  
28 667.61(e)(2).  
29

30 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
31 or deadly weapon or a firearm, to wit, an unknown caliber handgun, in the commission of the  
32 present offense in violation of Section 12022, 12022.3, 12022.5 or 12022.53, within the meaning  
33 of Penal Code Section 667.61(e)(4).  
34  
35

36 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
37 present case or cases of committing an offense specified in subdivision (c) against more than one  
38 victim, within the meaning of Penal Code Section 667.61(e)(5).  
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4 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
5 binding of the victim or another person in the commission of the present offense, within the  
6 meaning of Penal Code Section 667.61(e)(6).  
7  
8

9 **COUNT THIRTY-EIGHT**

10 For a further and separate cause of action, being a different offense of the same class of crimes  
11 and offenses as the charges set forth in Counts One through Thirty-Seven hereof: On or about  
12 October 14, 2006, at and in the County of Sacramento, State of California, the defendant, ROY  
13 CHARLES WALLER, did commit a felony, namely: a violation of Section 209(b)(1) of the  
14 Penal Code of the State of California, in that said defendant did unlawfully kidnap and carry  
15 away K. DOE, to commit Robbery.  
16

17 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
18 1192.7(c)."  
19

20 **COUNT THIRTY-NINE**

21 For a further and separate cause of action, being a different offense of the same class of crimes  
22 and offenses as the charges set forth in Counts One through Thirty-Eight hereof: On or about  
23 October 14, 2006, at and in the County of Sacramento, State of California, the defendant, ROY  
24 CHARLES WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the  
25 Penal Code of the State of California, in that said defendant did unlawfully have and accomplish  
26 an act of sexual intercourse with a person, to wit, Y. DOE, not his spouse, against said person's  
27 will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily  
28 injury on said person (first occasion).  
29  
30

31 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
32 1192.7(c)."  
33  
34

35 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
36 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
37 Syndrome (AIDS). Penal Code Section 1202.1."  
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4 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
5 290. Willful failure to register is a crime."  
6  
7

8 It is further alleged that in the commission and attempted commission of the above offense, the  
9 defendant, ROY CHARLES WALLER, personally used a firearm, to wit, an unknown caliber  
10 handgun, within the meaning of Penal Code Section 12022.53(b).  
11

12 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
13 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
14 Section 667.61(d)(2).  
15

16 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
17 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
18 within the meaning of Penal Code Section 667.61(d)(4).  
19

20  
21 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
22 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
23

24 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
25 offense during the commission of a burglary, within the meaning of Penal Code Section  
26 667.61(e)(2).  
27

28 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
29 or deadly weapon or a firearm, to wit, an unknown caliber handgun, in the commission of the  
30 present offense in violation of Section 12022, 12022.3, 12022.5 or 12022.53, within the meaning  
31 of Penal Code Section 667.61(e)(4).  
32

33  
34 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
35 present case or cases of committing an offense specified in subdivision (c) against more than one  
36 victim, within the meaning of Penal Code Section 667.61(e)(5).  
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4 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
5 binding of the victim or another person in the commission of the present offense, within the  
6 meaning of Penal Code Section 667.61(e)(6).  
7

8  
9 **COUNT FORTY**

10 For a further and separate cause of action, being a different offense of the same class of crimes  
11 and offenses as the charges set forth in Counts One through Thirty-Nine hereof: On or about  
12 October 14, 2006, at and in the County of Sacramento, State of California, the defendant, ROY  
13 CHARLES WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the  
14 Penal Code of the State of California, in that said defendant did unlawfully have and accomplish  
15 an act of sexual intercourse with a person, to wit, Y. DOE, not his spouse, against said person's  
16 will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily  
17 injury on said person (second occasion).  
18

19  
20 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
21 1192.7(c)."  
22

23  
24 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
25 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
26 Syndrome (AIDS). Penal Code Section 1202.1."  
27

28 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
29 290. Willful failure to register is a crime."  
30

31  
32 It is further alleged that in the commission and attempted commission of the above offense, the  
33 defendant, ROY CHARLES WALLER, personally used a firearm, to wit, an unknown caliber  
34 handgun, within the meaning of Penal Code Section 12022.53(b).  
35

36 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
37 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
38 Section 667.61(d)(2).  
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4 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
5 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
6 within the meaning of Penal Code Section 667.61(d)(4).  
7

8  
9 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
10 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
11

12 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
13 offense during the commission of a burglary, within the meaning of Penal Code Section  
14 667.61(e)(2).  
15

16 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
17 or deadly weapon or a firearm, to wit, an unknown caliber handgun, in the commission of the  
18 present offense in violation of Section 12022, 12022.3, 12022.5 or 12022.53, within the meaning  
19 of Penal Code Section 667.61(e)(4).  
20

21 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
22 present case or cases of committing an offense specified in subdivision (c) against more than one  
23 victim, within the meaning of Penal Code Section 667.61(e)(5).  
24  
25

26 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
27 binding of the victim or another person in the commission of the present offense, within the  
28 meaning of Penal Code Section 667.61(e)(6).  
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**COUNT FORTY-ONE**

For a further and separate cause of action, being a different offense of the same class of crimes and offenses as the charges set forth in Counts One through Forty hereof: On or about October 14, 2006, at and in the County of Sacramento, State of California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the Penal Code of the State of California, in that said defendant did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, Y. DOE, not his spouse, against said person's will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on said person (third occasion).

"NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)."

"NOTICE: Conviction of this offense will require the court to order you to submit to a blood test for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency Syndrome (AIDS). Penal Code Section 1202.1."

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 290. Willful failure to register is a crime."

It is further alleged that in the commission and attempted commission of the above offense, the defendant, ROY CHARLES WALLER, personally used a firearm, to wit, an unknown caliber handgun, within the meaning of Penal Code Section 12022.53(b).

It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the present offense substantially increasing the risk of harm, within the meaning of Penal Code Section 667.61(d)(2).

It is further alleged that the defendant, ROY CHARLES WALLER, committed the present offense during the commission of a burglary with intent to commit an offense listed in 667.61(c), within the meaning of Penal Code Section 667.61(d)(4).



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4 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
5 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
6

7 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
8 offense during the commission of a burglary, within the meaning of Penal Code Section  
9 667.61(e)(2).  
10

11 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
12 or deadly weapon or a firearm, to wit, an unknown caliber handgun, in the commission of the  
13 present offense in violation of Section 12022, 12022.3, 12022.5 or 12022.53, within the meaning  
14 of Penal Code Section 667.61(e)(4).  
15

16  
17 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
18 present case or cases of committing an offense specified in subdivision (c) against more than one  
19 victim, within the meaning of Penal Code Section 667.61(e)(5).  
20

21 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
22 binding of the victim or another person in the commission of the present offense, within the  
23 meaning of Penal Code Section 667.61(e)(6).  
24

25  
26 **COUNT FORTY-TWO**

27 For a further and separate cause of action, being a different offense of the same class of crimes  
28 and offenses as the charges set forth in Counts One through Forty-One hereof: On or about  
29 October 14, 2006, at and in the County of Sacramento, State of California, the defendant, ROY  
30 CHARLES WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the  
31 Penal Code of the State of California, in that said defendant did unlawfully have and accomplish  
32 an act of sexual intercourse with a person, to wit, Y. DOE, not his spouse, against said person's  
33 will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily  
34 injury on said person (last occasion).  
35

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37 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
38 1192.7(c)."  
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4 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
5 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
6 Syndrome (AIDS). Penal Code Section 1202.1."  
7

8  
9 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
10 290. Willful failure to register is a crime."  
11

12 It is further alleged that in the commission and attempted commission of the above offense, the  
13 defendant, ROY CHARLES WALLER, personally used a firearm, to wit, an unknown caliber  
14 handgun, within the meaning of Penal Code Section 12022.53(b).  
15

16 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
17 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
18 Section 667.61(d)(2).  
19

20  
21 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
22 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
23 within the meaning of Penal Code Section 667.61(d)(4).  
24

25 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
26 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
27

28  
29 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
30 offense during the commission of a burglary, within the meaning of Penal Code Section  
31 667.61(e)(2).  
32

33 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
34 or deadly weapon or a firearm, to wit, an unknown caliber handgun, in the commission of the  
35 present offense in violation of Section 12022, 12022.3, 12022.5 or 12022.53, within the meaning  
36 of Penal Code Section 667.61(e)(4).  
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4 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
5 present case or cases of committing an offense specified in subdivision (c) against more than one  
6 victim, within the meaning of Penal Code Section 667.61(e)(5).  
7

8  
9 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
10 binding of the victim or another person in the commission of the present offense, within the  
11 meaning of Penal Code Section 667.61(e)(6).  
12

13 **COUNT FORTY-THREE**

14 For a further and separate cause of action, being a different offense of the same class of crimes  
15 and offenses as the charges set forth in Counts One through Forty-Two hereof: On or about  
16 October 14, 2006, at and in the County of Sacramento, State of California, the defendant, ROY  
17 CHARLES WALLER, did commit a felony, namely: a violation of Section 288a(c)(2) of the  
18 Penal Code of the State of California, in that said defendant did unlawfully participate in an act  
19 of oral copulation with Y. DOE, and did accomplish said act against said victim's will by force,  
20 violence, duress, menace, and fear of immediate and unlawful bodily injury to said victim.  
21

22 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
23 1192.7(c).  
24

25 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
26 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
27 Syndrome (AIDS). Penal Code Section 1202.1."  
28

29 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
30 290. Willful failure to register is a crime."  
31

32  
33 It is further alleged that in the commission and attempted commission of the above offense, the  
34 defendant, ROY CHARLES WALLER, personally used a firearm, to wit, an unknown caliber  
35 handgun, within the meaning of Penal Code Section 12022.53(b).  
36

37 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
38 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
39 Section 667.61(d)(2).  
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5 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
6 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
7 within the meaning of Penal Code Section 667.61(d)(4).  
8

9 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
10 present offense, within the meaning of Penal Code Section 667.61(c)(1).  
11

12 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
13 offense during the commission of a burglary, within the meaning of Penal Code Section  
14 667.61(c)(2).  
15

16 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
17 or deadly weapon or a firearm, to wit, an unknown caliber handgun, in the commission of the  
18 present offense in violation of Section 12022, 12022.3, 12022.5 or 12022.53, within the meaning  
19 of Penal Code Section 667.61(e)(4).  
20

21 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
22 present case or cases of committing an offense specified in subdivision (c) against more than one  
23 victim, within the meaning of Penal Code Section 667.61(c)(5).  
24  
25

26 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
27 binding of the victim or another person in the commission of the present offense, within the  
28 meaning of Penal Code Section 667.61(e)(6).  
29  
30

#### 31 **COUNT FORTY-FOUR**

32 For a further and separate cause of action, being a different offense of the same class of crimes  
33 and offenses as the charges set forth in Counts One through Forty-Three hereof: On or about  
34 October 14, 2006, at and in the County of Sacramento, State of California, the defendant, ROY  
35 CHARLES WALLER, did commit a felony, namely: a violation of Section 289(a)(1) of the  
36 Penal Code of the State of California, in that said defendant did unlawfully cause the penetration  
37 of the genital opening of Y. DOE, for the purpose of sexual arousal, gratification, and abuse by a  
38 foreign object, substance, instrument and device, and by an unknown object, accomplished by  
39 force, violence, duress, menace and fear of immediate and unlawful bodily injury on the victim.  
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4 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
5 1192.7(c)."  
6

7 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
8 290. Willful failure to register is a crime."  
9

10 It is further alleged that in the commission and attempted commission of the above offense, the  
11 defendant, ROY CHARLES WALLER, personally used a firearm, to wit, an unknown caliber  
12 handgun, within the meaning of Penal Code Section 12022.53(b).  
13

14 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
15 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
16 Section 667.61(d)(2).  
17

18 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
19 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
20 within the meaning of Penal Code Section 667.61(d)(4).  
21

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23  
24 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
25 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
26

27 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
28 offense during the commission of a burglary, within the meaning of Penal Code Section  
29 667.61(e)(2).  
30

31 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
32 or deadly weapon or a firearm, to wit, an unknown caliber handgun, in the commission of the  
33 present offense in violation of Section 12022, 12022.3, 12022.5 or 12022.53, within the meaning  
34 of Penal Code Section 667.61(e)(4).  
35

36  
37 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
38 present case or cases of committing an offense specified in subdivision (c) against more than one  
39 victim, within the meaning of Penal Code Section 667.61(e)(5).  
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4 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
5 binding of the victim or another person in the commission of the present offense, within the  
6 meaning of Penal Code Section 667.61(e)(6).  
7

8  
9 **COUNT FORTY-FIVE**

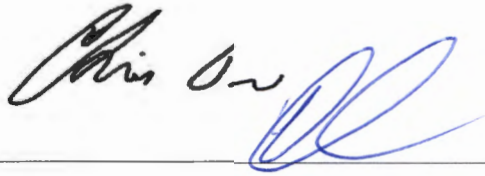
10 For a further and separate cause of action, being a different offense of the same class of crimes  
11 and offenses as the charges set forth in Counts One through Forty-Four hereof: On or about  
12 October 14, 2006, at and in the County of Sacramento, State of California, the defendant, ROY  
13 CHARLES WALLER, did commit a felony, namely: a violation of Section 209(b)(1) of the  
14 Penal Code of the State of California, in that said defendant did unlawfully kidnap and carry  
15 away Y. DOE, to commit Sexual Assault.  
16

17  
18 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
19 1192.7(c)."  
20

21 "NOTICE: Counts Thirty-Two through Forty-Five were filed pursuant to 2006 Penal Code."  
22

23 I declare upon information and belief and under penalty of perjury that the foregoing is true and  
24 correct.  
25

26 Executed at Sacramento County, California, the 27th day of February, 2019.  
27

28  
29  
30 

31  
32 CHRIS ORE  
33 SACRAMENTO COUNTY DISTRICT ATTORNEY  
34 (916) 874-6218  
35 Telephone Number  
36  
37  
38  
39  
40  
41

AB

**HOLDING ORDER**

\_\_\_\_\_ It appearing to me that the offense(s) in the within complaint has/have been committed,  
and that there is sufficient cause to believe that the defendant, ROY CHARLES  
WALLER, is guilty thereof,

\_\_\_\_\_ The defendant, ROY CHARLES WALLER, having waived preliminary hearing to the  
offense(s) set forth in this complaint,

Exceptions/Additions/Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I order that the defendant be held to answer to same. In my capacity as Judge of the Superior  
Court, I deem the within complaint to be an Information and order it filed in the Superior Court.

Date: \_\_\_\_\_ Dept: \_\_\_\_\_  
Judge of the Superior Court Sitting as Magistrate

